REMARKS/ARGUMENTS

Claims 33-34, 37-52 and 87-108 are now pending in the application. Claims 33-34, 37, 40-41, and 48-52 are currently amended, and claims 1-32, 35-36 and 53-86 have been cancelled, without prejudice or disclaimer of any previously claimed subject matter. Claims 87-108 are new. Applicants reserve the right to present any cancelled subject matter in one or more continuation or divisional applications.

In the Office Action dated January 20, 2006, the Examiner restricted the prosecution of the application to one of ten groups proposed by the Examiner:

I. Claims 1, 2, 5-20, drawn to a pharmaceutical composition comprising a 2'-branched nucleoside in combination with one or more drugs that directly or indirectly induce a mutation in a *Flaviviridae* at a location other than a mutation of a nucleotide that results in a change from serine to a different amino acid in the highly conserved consensus sequence, XRXSGXXXT, of domain B of the RNA polymerase region.

II. Claims 3, 4, and 5-20, drawn to a pharmaceutical composition comprising a 2'-branched nucleoside in combination with interferon.

III. Claims 21-32, drawn to a pharmaceutical composition comprising a 2',3', and/or 5'-prodrug of a 2'-branched nucleoside in combination with one or more drugs that directly or indirectly induce a mutation in a *Flaviviridae* at a location other than a mutation of a nucleotide that results in a change from serine to a different amino acid in the highly conserved consensus sequence, XRXSGXXXT, of domain B of the RNA polymerase region.

IV. Claims 33, 34, and 37-52, drawn to a method for treating a *Flaviviridae* infection by administering a 2'-branched nucleoside in combination with one or more drugs that directly or indirectly induce a mutation in a *Flaviviridae* at a location other than a mutation of a nucleotide that results in a change from serine to a different amino acid in the highly conserved consensus sequence, XRXSGXXXT, of domain B of the RNA polymerase region.

V. Claims 35, 36, and 37-52, drawn to a method for treating a *Flaviviridae* infection by administering a 2'-branched nucleoside in combination with interferon.

VI. Claim 53, drawn to a method for treating a patient infected with a *Flaviviridae* virus that is resistant to a 2'-branched nucleoside by administering interferon.

VII. Claims 54-65, drawn to a method for treating a patient infected with *Flaviviridae* by administering a 2', 3', and/or 5'-prodrug of a 2'-branched nucleoside in combination with one or more drugs that directly or indirectly induce a mutation in a *Flaviviridae* at a location other than a mutation of a nucleotide that results in a change from serine to a different amino acid in the highly conserved consensus sequence, XRXSGXXXT, of domain B of the RNA polymerase region.

VIII. Claims 66-80, drawn to a method for treating a patient infected with *Flaviviridae* by administering a 2'-branched nucleoside, assaying the blood of the patient to test for sero-conversion from wild type to mutant virus and administering interferon.

IX. Claims 81, 83 and 85, drawn to a method for assaying a sample suspected of containing *Flaviviridae* resistant to a 2'-branched nucleoside by contacting the sample containing a *Flaviviridae* nucleic acid sequence with a probe having a sequence complementary to the highly conserved consensus sequence of domain B of the RNA *pol* region of *Flaviviridae*, allowing the probe to hybridize and detecting the hybridization.

X. Claims 82, 84, and 86, drawn to a method for assaying a sample suspected of containing *Flaviviridae* resistant to a 2'-branched nucleoside by contacting the sample containing a *Flaviviridae* nucleic acid sequence with a probe having a sequence complementary to cytidine at nucleotide 1214 of the RNA pol region of BVDV or the cytidine at nucleotide 8443 of HCV, allowing the probe to hybridize and detecting the hybridization.

Applicants elect Group IV (claims 33, 34 and 37-52 and new claims 87-108), drawn to a method for treating a *Flaviviridae* infection by administering a 2'-branched nucleoside in combination with one or more drugs that directly or indirectly induce a mutation in a *Flaviviridae* at a location other than a mutation of a nucleotide that results in a change from

serine to a different amino acid in the highly conserved consensus sequence, XRXSGXXXT, of domain B of the RNA polymerase region.

The Examiner has also requested that Applicants elect one species from genus (A), one 2'-branched nucleoside from the genus as set forth in claims 5-15; or genus (B), one chemical formula from the genus set forth in claims 16-20; and additionally one species from genus (C), one prodrug from the genus set forth in claims 22-32, for prosecution under 35 U.S.C § 121.

Applicants elect the 2'-branched nucleoside β-D-2'-CH_3-riboC as recited in claim 38 for prosecution (A). Applicants further elect the 3'-L-valinyl prodrug of β-D-2'-CH_3-riboC, as recited in claim 40 for prosecution (C). Claims 33-34, 37-40, 48-50, 52, 88-89, 91-92, and 100-108 read on the elected species.

Examination of the elected claims is respectfully requested. Commissioner is authorized to charge any deficiency to Deposit Account 11-0980.

Respectfully submitted,

Sherry Knowles w/express permission Melody ... Reg. 36,174

By: ______________________
Sherry M. Knowles, Esq.
Reg. No. 33,052

Date: July 20, 2006

KING & SPALDING LLP
1180 Peachtree Street
34th Floor
Atlanta, Georgia 30309
Tel.: (404) 572-3541